



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF
STATE PLANNING COORDINATION

June 15, 2005

Mr. Tom Ford
LandDesign, Inc
Oak Square, Suite 3, Central Avenue
Ocean View, DE 19970

RE: PLUS review – PLUS 2005-05-07; MedExec Complex

Dear Mr. Ford,

Thank you for meeting with State agency planners on May 25, 2005 to discuss the proposed plans for the MedExec project to be located on 20.43 acres on SCR 275 adjacent to the Beebe Health Campus near Rehoboth Beach.

According to the information received, you are seeking to obtain a conditional use in the AR-1 zone for the construction of a medical/professional office complex.

These comments reflect only issues that are the responsibility of the agencies represented at the PLUS review meeting. Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State. The developers must comply with any Federal, State and local regulations regarding this property. Specifically, Sussex County is the governing authority over this land and the developers will need to comply with any and all regulations/restrictions set forth by the County.

Executive Summary

This section includes some site-specific highlights from the agency comments found in this letter and is provided for your convenience and reference. The full text of this letter represents the official state response to this project. ***Our office notes that the applicants are responsible for reading and responding to this letter and all comments contained within it in their entirety.***

Project Location

- This proposal is located within an Investment Level 2 area according to the *Strategies for State Policies and Spending* and the Environmentally Sensitive Developing Area according to the Sussex County Comprehensive Plan. In these areas, the State supports development activities that are in keeping with

the character of the area and that respect the natural resources on and surrounding the site.

Site Design

- The State supports the proposed road connection to Beebe Medical Center property and the inclusion of sidewalks in the plan. The applicant should communicate with Beebe and Sussex County to achieve a connection that is useful to both sites.
- The State also supports the concept of the buildings fronting the road with parking to the rear.
- We encourage including a bus shelter as discussed in DelDOT comments, as well as bike racks or lockers near the building entrances, to provide for multi-modal access.

Streets & Roadways

- Right-of-way dedication will be required along the property frontage on Warrington Road.
- DelDOT may be agreeable to the piping the stormwater under Warrington Road as long as their concerns are met.

Natural/Cultural Resources

- The site falls within a wellhead protection area. Recommendations are included in the "Water Resource Protection Area" section of this letter.

This office has received the following comments from State agencies:

Office of State Planning Coordination – Contact Ann Marie Townshend 739-3090

This proposal is located within an Investment Level 2 area according to the *Strategies for State Policies and Spending* and the Environmentally Sensitive Developing Area according to the Sussex County Comprehensive Plan. In these areas, the State supports development activities that are in keeping with the character of the area and that respect the natural resources on and surrounding the site.

At the meeting on May 25, you stated that the buildings would be built close to the internal streets with parking to the rear. The PLUS application also indicates that the site will include sidewalks and a road connection to the adjacent land owned by Beebe Medical Center. We are pleased to see these as part of the plan and encourage you to ensure that they remain through implementation. It was suggested at the meeting that a "build-to" line be established to ensure the concept is carried through as lessees construct their buildings. We also suggest that you consider including bike racks at the various buildings to allow for multi-modal access.

State Historic Preservation Office (SHPO) – Contact Alice Guerrant 739-5685

Nothing of archeological or historical significance is known within this parcel. One historic property nearby has apparently been demolished and another does not have a direct view of the parcel. There is potential for a historic-period archaeological site, as Beers Atlas of 1868 shows the R. Morricks House close to the southern corner. This may have already been destroyed during the construction of a modern building there. There is

a medium potential for prehistoric archaeological sites and a high potential in the area where the developer plans to build a stormwater management pond to the south. SHPO requests an opportunity to survey the property, including the stormwater management pond location.

Department of Transportation – Contact Bill Brockenbrough 760-2109

LT Associates, LLC seeks to develop an 11-lot (condominium ownership), 148,000 square foot medical and professional office complex on 20.43-acres (Tax Parcel 3-34-12.00-125.00) on the east side of Warrington Road (Sussex Road 275) between Delaware Route 24 and Old Landing Road (Sussex Road 274). The land is zoned AR-1 in Sussex County and it would be developed under a conditional use approval.

- 1) Warrington Road is classified as a local road. Local roads in Delaware typically have right-of-way widths ranging from 33 to 50 feet. DelDOT's policy is to require dedication of sufficient land to provide a minimum right-of-way width of 30 feet from the centerline on local roads. Right-of-way dedication will be required along the frontage to provide any additional width needed for the project.
- 2) A paved multi-modal path will be required in a 15-foot wide permanent easement across the frontage of the site.
- 3) DelDOT supports the comments from the Office of State Planning Coordination regarding the provision of bicycle racks or lockers near the office building entrances. Warrington Road is part of Bicycle Route 1 so there is real potential for staff and patients to ride to and from this development.
- 4) The proposed storm water management system will pipe water under Warrington Road, separate from DelDOT's road drainage system, to an off-site management basin by way of a private ditch through other lands of the current owner of the subject land, J.G. Townsend, Jr. & Co. Such an arrangement may be acceptable if two concerns are addressed. First, the system must be sized, and the crossroad pipe located to avoid affecting the DelDOT drainage system. Second, a drainage easement must be recorded to grant the developer use of the ditch and basin on Townsend owned lands that will not be purchased as part of this project.
- 5) DelDOT commends the developer's plan for a vehicular connection to the Beebe Health Campus and encourages communication with the Beebe Medical Center and Sussex County to achieve a connection that is useful to the patrons of both sites. Providing a stub street for a future connection to the south to the lands of the Herola Company would also be beneficial.
- 6) The developer has completed a traffic impact study for this project under the name Blizzard Site. DelDOT received it on May 12, 2005, and anticipates providing comments to Sussex County in July.

- 7) The Delaware Transit Corporation (DTC) operates DART Bus Route 207, which provides seasonal service from the Rehoboth Beach Park and Ride Lot to Massey's Landing by way Delaware Route 1, Delaware Route 24 and Long Neck Road (Delaware Route 22). This service runs nine round trips per day June through August, with less frequent service in May and September. This information should be shared with patrons and employees to encourage transit ridership.

DTC recommends that sidewalks be required along the lot frontages to Route 24 and that an 8-foot by 8-foot concrete pad be located there to provide a waiting area for riders. The sidewalks shown on the plan presented at the PLUS meeting largely address this. The project engineer should contact Mr. Wayne Henderson of DTC and Mr. John Fiori, Subdivision Manager for Sussex County, to discuss specific locations for the pad and sidewalk. Mr. Henderson can be reached at (302) 577-3278 ext. 3553. Mr. Fiori may be reached at (302) 760-2260.

- 8) The project engineer should also contact Mr. Fiori regarding requirements for drainage and access.

The Department of Natural Resources and Environmental Control

Contact Kevin Coyle 739-3091

Soils

According to the soil survey update, Downer and Greenwich were mapped in the immediate vicinity of the proposed project. Downer and Greenwich are well well-drained upland soils that generally have few limitations for development.

Impervious Cover

Scientific research has documented that a negative relationship exists between water/habitat quality and increased surface imperviousness. The consensus among researchers is that when a watershed's aggregate land area exceeds a 10-percent impervious cover threshold, environmental decline is almost certain. In recognition of this widely-acknowledged fact, the Department strongly recommends that the applicant devote more effort to employing innovative methods or BMPs to reduce impervious cover. For example, reducing the number of parking spaces and using pervious pavers in lieu of asphalt or concrete will significantly reduce the amount of pollutant-laden surface runoff that drains into the Inland Bays.

ERES Waters

This project is located adjacent to receiving waters of the Inland Bays designated as having Exceptional Recreational or Ecological Significance (ERES). ERES waters are recognized as special assets of the State. Section 11.5 of Delaware's "Surface Water Quality Standards" (as amended August 11, 1999), specifies that all designated ERES waters and receiving tributaries have a "pollution control strategy" to reduce non-point sources of nutrient runoff. Subsection 11.5(e) expressly authorizes the Department to

provide standard Best Management Practices (BMPs) for controlling, reducing, or eliminating the discharge of pollutants to the greatest degree practicable or attainable.

TMDLs

Adoption of Total Maximum Daily Loads (TMDLs) as a nutrient-runoff-mitigation strategy for the Inland Bays Watershed makes reduction of nitrogen and phosphorus loading mandatory. A TMDL is the maximum level of pollution allowed for a given pollutant below which a “water quality limited water body” can assimilate and still meet water quality standards to the extent necessary to support use goals such as swimming, fishing, drinking water and shell fish harvesting. Although TMDLs are authorized under federal code, states are charged with developing and implementing standards to support these desired use goals. The jurisdictional authority for these use goals falls under Section 11.5 of the Surface Water Quality Standards (as amended August 11, 1999), and will be achieved via nutrient reductions referred to as “pollution control strategies.”

Nutrient reductions are assigned on the basis of water quality concerns. Regions of greatest environmental concern will require higher levels of nutrient reduction than those deemed less environmentally sensitive. In the subject watershed, regions are demarcated as high and low reduction zones. The high reduction zone is in the western part of the watershed and requires nitrogen and phosphorus reduction by 85 and 65 percent, respectively. The low reduction zone is in the eastern part of the watershed and requires a reduction of nitrogen and phosphorus by 40 percent.

In order to verify compliance, a full nutrient accounting process known as nutrient budget should be prepared by the applicant. Lyle Jones in the Department’s Watershed Assessment Section can be contacted at 739-4590 for further information regarding the acceptable protocol for calculating a nutrient budget.

Water Supply

Should dewatering points be needed during any phase of construction, a dewatering well construction permit must be obtained from the Water Supply Section prior to construction of the well points. A water allocation permit will be needed if the pumping rate will exceed 50,000 gallons per day at any time during operation. All well permit applications must be prepared and signed by licensed water well contractors, and only licensed well drillers may construct the wells. Dewatering well permit applications typically take approximately four weeks to process. Questions concerning these comments can be directed to Rick Rios, (302)739-3665.

Water Resource Protection Areas

The site falls within a wellhead protection area (see attached map). Wellhead protection areas are surface and subsurface areas surrounding a public water supply well where the quantity and quality of groundwater moving toward such wells may be adversely affected by land use activities.

According to the State law that created the Source Water Protection Program, county and municipal governments will be required to enact ordinances to protect Water Resource Protection Areas. The following language has been excerpted from the Source Water Protection Guidance Manual for Local Governments, Supplement 1 - Ground-Water Recharge Design Methodology. While the local ordinances are not yet in place, the developer may find the language useful in modifying the site plan to protect the wellhead protection area.

Water Resource Protection Areas (WRPAs) are defined as (1) surface water areas such as floodplains, limestone aquifers, and reservoir watersheds, (2) wellhead areas, or (3) excellent recharge areas. The purpose of an impervious cover threshold is to minimize loss of recharge and protect the quality and quantity of ground and surface water supplies in WRPAs.

New development in WRPAs may exceed the 20 % impervious cover threshold, but be no more than 50 % impervious, provided the applicant submits an environmental assessment report recommending a climatic water budget and facilities to augment recharge. The environmental assessment must document that post-development recharge will be no less than predevelopment recharge when computed on an annual basis.

Applicant commonly offset the loss of recharge due to impervious cover by constructing recharge basins that convey relatively pure rooftop runoff for infiltration to ground water.

The Department recommends the following measures, ranked in order of preference:

- 1) Preserve WRPAs as open space and parks by acquisition or conservation easement.
- 2) Limit impervious cover of new development to 20 % by right within WRPAs.
- 3) Allow impervious cover of new development to exceed 20% within WRPAs (but no more than 50% impervious) provided the applicant develops recharge facilities that directly infiltrate rooftop runoff.
- 4) Allow impervious cover of new development to exceed 20% within WRPAs (but no more than 50% impervious) provided the applicant develops recharge facilities that infiltrate stormwater runoff from forested and/or grassed surfaces with pretreatment.

More information can be found at:

Source Water Protection Guidance Manual for the Local Governments of Delaware at <http://www.wr.udel.edu/swaphome/phase2/Manual/SwappManual.pdf>
and

Ground-Water Recharge Design Methodology at

http://www.wr.udel.edu/swaphome/phase2/Manual/SwappManual_supplement_1.pdf

Activities that include the storage or disposal of hazardous substances may be prohibited or otherwise regulated by other state regulations. More information on regulated activities can be found at:

http://www.wr.udel.edu/swaphome/phase2/Publications/Existing%20Authorities%202_02.pdf

Sediment and Erosion Control/Stormwater Management

- 1) A detailed sediment and stormwater plan will be required prior to any land disturbing activity taking place on the site. The plan review and approval and construction inspection will be coordinated through the Sussex Conservation District. Contact Jessica Watson, Program Manager, at (302) 856-7219 for details regarding submittal requirements and fees.
- 2) It is strongly recommended that the applicant contact the Sussex Conservation District to schedule a pre-application meeting to discuss sediment and erosion control and stormwater management components of the plan. The site topography, soils mapping, pre and post development runoff, and proposed method(s) and location(s) of stormwater management should be brought to the meeting for discussion.
- 3) A Notice of Intent (NOI) for stormwater discharges associated with construction activity must be submitted to DNREC Division of Soil and Water Conservation along with the \$195 NOI fee prior to plan approval.
- 4) Applying practices to mimic pre-development hydrology, promote recharge, maximize the use of existing natural features, and limit the reliance on structural stormwater components, such as maintaining open spaces, should be considered in the overall design of the project as a stormwater management technique.
- 5) Each stormwater management facility should have an adequate outlet for release of stormwater. Any drainage conveyed onto this site from neighboring properties must be adequately conveyed through the site to the discharge point without interruption.
- 6) Clearly address how stormwater quality and quantity treatment will be provided. If the project is eligible for a Quantity Waiver, make the request in the stormwater narrative citing the specific regulation.
- 7) Indicate on the sediment and stormwater management plan who shall be responsible for maintenance of the stormwater management facilities both during and after construction. The design of the sediment control and stormwater management plan, considerations should consider maintenance of any structures or facilities.
- 8) If a stormwater management pond is going to be utilized as a sediment trap/basin during construction it must be designed to accommodate 3,600 cubic feet of storage per acre of contributing drainage area until project stabilization is complete.
- 9) All ponds are required to be constructed per pond code 378.
- 10) If stormwater facilities will impact wetlands, a permit must be provided to the District prior to receiving approval.

- 11) Provide the District with a “no objection” letter from DelDOT for use of their right-of-way as part of the conveyance system.
- 12) Provide the District with a maintenance document for the off-site stormwater facility.
- 13) The proposed stormwater management facility is located down-stream. Address how the off-site contributory drainage area will be bypassed or managed.

Drainage

The Drainage Section recommends that all ditches on the property be checked for function and cleaned if needed prior to construction. Wetland permits may be required before cleaning ditches.

Precautions be should taken to ensure the project does not hinder any off-site drainage upstream or create problems downstream by the release of on-site storm water.

The Drainage Section strongly recommends any drainage conveyance between two parcels within the subdivision be dedicated as passive open space drainage easements and not owned by individual landowners. The easements should be of sufficient width to allow future drainage maintenance as follows.

- 1) Along an open ditch or swale, a maintenance equipment zone of 25 feet measured from the top of bank on the maintenance side, and a 10-foot setback zone measured from top of bank on the non-maintenance side. These zones should be maintained as buffers to aid in the reduction of sediment and nutrients entering into the drainage conveyance. Grasses, forbs and sedges planted within these zones should be native species selected for their height, ease of maintenance, erosion control, and nutrient uptake capabilities. Trees and shrubs planted within the maintenance zone should be native species spaced to allow for drainage maintenance at maturity. Trees should not be planted within 5 feet of the top of ditch to avoid future blockages from roots.
- 2) Along stormwater pipe, a maintenance equipment zone of 15 feet on each side of the pipe as measured from the pipe centerline. This zone should be maintained as buffer to aid in the reduction of sediment and nutrients entering into the drainage conveyance. Grasses, forbs and sedges planted within these zones should be native species selected for their height, ease of maintenance, erosion control, and nutrient uptake capabilities. Trees and shrubs planted within the maintenance zone should be spaced to allow for drainage maintenance at maturity.

The Drainage Section recommends any drainage/utility easements not have structures, decks, buildings, sheds, kennels, fences or trees within them allow for future drainage maintenance.

Mobility Enhancement

Sidewalks and stub streets are recommended. A complete system of sidewalks will facilitate safe and convenient off-road access by patrons and employees. Bike racks and benches are also recommended throughout the complex.

State Fire Marshal's Office – Contact Duane Fox 856-5298

At the time of formal submittal, the applicant shall provide; completed application, fee, and three sets of plans depicting the following in accordance with the Delaware State Fire Prevention Regulation (DSFPR):

1) Fire Protection Water Requirements:

- Water distribution system capable of delivering at least 1000 gpm for 1-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers. (Business)
- Where a water distribution system is proposed for the site, the infrastructure for fire protection water shall be provided, including the size of water mains of fire hydrants and sprinkler systems.

2) Fire Protection Features:

- All structures over 10,000 Sq. Ft. aggregate will require automatic sprinkler protection installed.
- Buildings greater than 10,000 sq.ft., 3-stories of more or over 35 feet, or classified as High Hazard, are required to meet fire lane marking requirements.
- Show Fire Department Connection location (Must be within 300 feet of fire hydrant), and detail as shown in the DSFPR.
- Show Fire Lanes and Sign Detail as shown in DSFPR

3) Accessibility

- All premises which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus. This means that the access road to the subdivision from Warrington Road must be constructed so fire department apparatus may negotiate it.
- Fire department access shall be provided in such a manner so that fire apparatus will be able to locate within 100 ft. of the front door.
- Any dead end road more than 300 feet in length shall be provided with a turn-around or cul-de-sac arranged such that fire apparatus will be able to turn around by making not more than one backing maneuver. The minimum paved radius of the cul-de-sac shall be 38 feet. The dimensions of the cul-de-sac or turn-around shall be shown on the final plans. Also, please be advised that parking is prohibited in the cul-de-sac or turn around.
- The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.

- The local Fire Chief, prior to any submission to our Agency, shall approve in writing the use of gates that limit fire department access into and out of the development or property.
- 4) Gas Piping and System Information
 - Provide type of fuel proposed, and show size and location of bulk containers on plan.
- 5) Required Notes
 - Provide a note on the final plans submitted for review to read “ All fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the Delaware State Fire Prevention Regulations”
 - Proposed Use
 - Alpha or Numerical Labels for each building/unit for sites with multiple buildings/units
 - Square footage of each structure (Total of all Floors)
 - National Fire Protection Association (NFPA) Construction Type
 - Maximum Height of Buildings (including number of stories)
 - Townhouse 2-hr separation wall details shall be shown on site plans
 - Note indicating if building is to be sprinklered
 - Name of Water Provider
 - Letter from Water Provider approving the system layout
 - Provide Lock Box Note (as detailed in DSFPR) if Building is to be sprinklered
 - Provide Road Names, even for County Roads

Preliminary meetings with fire protection specialists are encouraged prior to formal submittal. Please call for appointment. Applications and brochures can be downloaded from www.delawarestatefiremarshal.com, technical services link, plan review, applications or brochures.

Department of Agriculture - Contact Mark Davis 739-4811

The Delaware Department of Agriculture has no objections at this time; however the developer is invited to direct any questions concerning tree preservation and tree planting opportunities within the site to the Department.

Right Tree for the Right Place

The Department of Agriculture encourages the developer to use the “Right Tree for the Right Place” concept in any design considerations. This concept outlines the proper placement of trees to increase property value and reduce heating and cooling costs by an average of 20 to 35 dollars per month. A landscape design that uses this approach reduces maintenance costs to property owners and ensures a lasting forest resource.

Native Landscapes

The Department of Agriculture encourages the developer to use native trees and shrubs to buffer the property from adjacent land-use activities near the site. A properly designed forested buffer can create wildlife habitat corridors, clean our rivers and creeks of storm-

water run-off pollutants, and improve air quality to the area by removing six to eight tons of carbon dioxide annually. To learn more about acceptable native trees and how to avoid plants considered invasive to local landscapes, contact the Delaware Department of Agriculture Plant Industry Section at (302) 698-4500.

Tree Preservation

The Department of Agriculture encourages the developer to implement tree preservation activities to ensure the health and vigor of the resource. Trees are affected by compaction of soils during the construction process; guidelines established by the International Society of Arboriculture (ISA) serve to lessen this impact and provide increase value to the site.

Tree Mitigation

The Delaware Forest Service notes the relocation of the on-site waste-water system and understands the challenges of its design and placement. It is acknowledged that tree removal will be necessary to this aspect of the development. The Forest Service encourages the developer to implement tree mitigation at a 1:1 ratio within the site to replace trees lost in construction.

Public Service Commission - Contact Andrea Maucher 739-4247

The project is within Tidewater Utilities certificated water service territory. If the project connects to public wastewater services from Sussex County and lies outside the service territory established in October 2004, then the County must update the information it filed with the Commission. Any expansion of natural gas or installation of a closed propane system must comply with Federal Pipeline Safety guidelines.

Delaware Emergency Management Agency – Contact Don Knox 659-3362

Due to the size of the medical/professional office building being proposed, an impact to public safety is foreseen by implementation of this project. The developer should notify the police, fire service, and emergency medical response organization serving this portion of Sussex County to keep them apprised of all development activities. Routes 1, 5, and 24 are coastal storm evacuation routes and will be affected by traffic volume during a coastal storm event.

Delaware Economic Development Office – Contact Dorrie Moore 739-4271

The project is located in the Level 2 area and will provide a strong employment center. The Delaware Economic Development Office (DEDO) supports this project.

Sussex County – Contact Richard Kautz 855-7878

This summer Sussex County will consider implementation of the Source Water Protection Program required by the State. This project may be affected by requirements adopted by County Council. Any well locations should ensure that the wellhead protection area is entirely on-site. The project is located in an Environmentally Sensitive Development Area. Accordingly, the required report should include how PLUS comments have been addressed and how the plan has been revised.

The project adjoins, but is not within the West Rehoboth Expansion area and sewer service is not available at this time. The project is within a planning area for sewer service, and connection to the sewer system is mandatory. The project can be annexed into the sewer district when the developer completes certain administrative procedures and construction of an extension of mainline sewers.

The project is within an amendment of the area Planning Study and capacity evaluation for sewer service and exceeds assumptions for sewer service. Sewer service is available for a project not to exceed a total of 80,000 square feet of office space. As proposed at 148,000 square feet, there is not adequate capacity in the downstream sewer system. Please see the attached July 8, 2004 letter from Robert L. Stickels for additional information. Compliance with Amendment No. 3 to the Capacity Evaluation and Planning Study for the West Rehoboth Expansion area is required.

The proposed development requires a developer-installed collection system in accordance with Sussex County standard requirements and procedures. The Sussex County Engineer must approve the connection point. The Sussex County Engineering Department requires that a Sewer Conceptual Plan be submitted for review and approval prior to requesting annexation. Attached are a list of steps to be completed for extending district boundaries and a list for preparing conceptual plans.

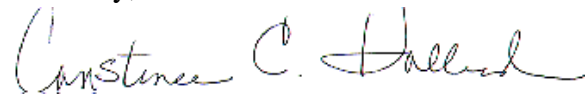
One-time system connection charges will apply. Contact Mrs. Christine Fletcher, (302) 854-5086, for additional information on charges.

For questions regarding these comments, contact Rob Davis, Sussex County Engineering Department, (302) 855-7820.

Following receipt of this letter and upon filing of an application with the local jurisdiction, the applicant shall provide to the local jurisdiction and the Office of State Planning Coordination a written response to comments received as a result of the pre-application process, noting whether comments were incorporated into the project design or not and the reason therefore.

Thank you for the opportunity to review this project. If you have any questions, please contact me at 302-739-3090.

Sincerely,

A handwritten signature in dark ink, appearing to read "Constance C. Holland". The signature is fluid and cursive, with the first name being the most prominent.

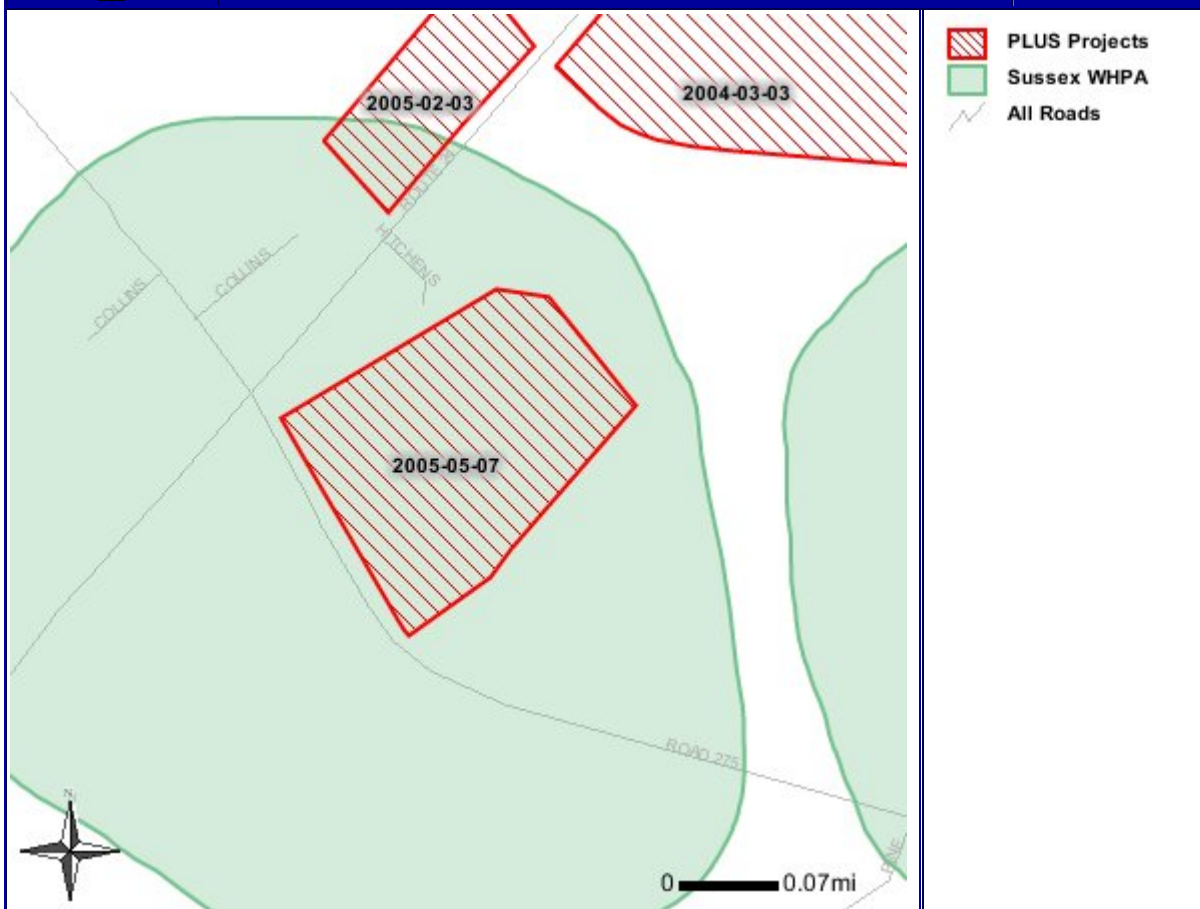
Constance C. Holland, AICP
Director

CC: Sussex County
City of Rehoboth Beach



MedExec Complex

2005-05-07



This map was produced by the Delaware
Department of Natural Resources and Environmental Control.

